

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-740

13 **SHARON LEEVER**  
Post Office Box 366  
Manson, WA 98831

**A C C U S A T I O N**

14 **Registered Nurse License No. 604072**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 8, 2002, the Board of Registered Nursing issued Registered  
23 Nurse License Number 604072 to Sharon Leever (Respondent). The Registered Nurse License  
24 expired on July 31, 2004, and has not been renewed.  
25  
26  
27  
28

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. California Code of Regulations, title 16, section 1419.3, provides that a licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure.

8. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3  
4

5

6

7  
8  
9  
10  
11

## 12

13

14

15

16

17  
18

19  
2021  
22

23

24

25  
26  
27  
28

13. Oxycodone is a semi synthetic narcotic analgesic with multiple actions qualitatively similar to those of Morphine. It is a Schedule II controlled substance and narcotic as designated by Health and Safety Code section 11055. It is also a dangerous drug as defined by Code section 4022. Oxycodone can produce drug dependence and has the potential for being abused.

## COST RECOVERY

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

## CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)  
(Bus. & Prof. Code § 2761, subd. (a)(4))

15. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about August 25, 2011, in a disciplinary action before the State of Washington Department of Health Nursing Care Quality Assurance Commission (“Washington Commission”) entitled “In the Matter of Sharon Leever,” Credential No. RN00090785, Case No M 2011-1114, the Washington Commission entered a Stipulation to Informal Disposition (“Stipulation”), accepting Respondent’s voluntary surrender of her credential to practice as registered nurse in the State of Washington. The circumstances surrounding the Washington Commission’s Stipulation are as follows:

16. On or about July 27, 2011, the Washington Commission filed a Statement of Allegations and Summary of Evidence, alleging that between approximately November 2008 and February 2009, on approximately fifty (50) occasions, Respondent diverted Hydrocodone and Oxycodone from patients at the hospital where she was working at as a registered nurse. Respondent subsequently entered the Washington Health Professional Services (WHPS) program in lieu of disciplinary action. On or about January 14, 2011, the WHPS program notified the

1 Washington Commission that Respondent had withdrawn from the WHPS program. On or about  
2 May 5, 2011, Respondent informed the Washington Commission that she intended to retire from  
3 nursing.

4 17. Pursuant to the Stipulation, the Washington Commission agreed to forego further  
5 disciplinary action, and Respondent agreed to successfully complete the terms and conditions of  
6 the informal disposition. The Washington Commission determined that because Respondent was  
7 at the end of her effective practice and surrender alone would be enough to protect the public, the  
8 surrender of Respondent's nursing credential was an appropriate sanction.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
11 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 604072, issued to Sharon  
13 Leever;

14 2. Ordering Sharon Leever to pay the Board of Registered Nursing the reasonable costs  
15 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
16 section 125.3; and

17 3. Taking such other and further action as deemed necessary and proper.  
18  
19

20 DATED: March 13, 2013

*for Louise R. Bailey*

21 LOUISE R. BAILEY, M.ED., RN  
22 Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
27  
28

SF2013901238  
11019418.doc